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C O N F I D E N T I A L SECTION 01 OF 02 HONG KONG 002092

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TAGS: [KCRM](#) [KFRD](#) [KWMN](#) [PHUM](#) [SMIG](#) [HK](#) [MC](#)
SUBJECT: US PROSECUTOR SHARES ANTI-TIP EXPERTISE WITH HONG
KONG AND MACAU

Classified By: CONSUL GENERAL JOE DONOVAN. Reasons: 1.4 (B,D)

¶1. (SBU) Summary: Department of Justice prosecutor James Felte, a specialist in human trafficking cases, shared his first-hand experience in a series of meetings and seminars in Hong Kong and Macau November 3-4. Felte conducted a seminar on effective strategies for investigating and prosecuting trafficking in persons (TIP) crimes for Macau law enforcement, prosecutors and judicial personnel. He and Poloffs met separately with key anti-TIP authorities to discuss in greater detail the Macau government's overall anti-TIP efforts since the June 24 passage of their landmark anti-trafficking law. Macau officials noted more investigations and better interagency coordination but acknowledged challenges in developing solid cases for prosecution and in other aspects of enforcing the new law. They indicated they would welcome U.S. training in these areas. At an international human trafficking forum held at the University of Hong Kong, Felte detailed the components of the victim-centered approach he has used to successfully prosecute international human trafficking cases. Post is grateful for assistance from G/TIP and the Department of Justice in making Mr. Felte's very well-received visit possible. End summary.

Macau Shares, Learns

¶2. (C) On November 3, U.S. Department of Justice prosecutor James Felte, from the Civil Rights Division, and Poloffs met with head of the Criminal Investigation Department (CID) of Macau's Judiciary Police Chau Wai Kuong to discuss recent trafficking in persons (TIP) arrests and developments. CID is the primary law enforcement unit responsible for investigating TIP crimes. Chau told us 13 TIP-related cases are currently being investigated under Macau's new anti-trafficking law, with several suspects in custody. Most of the cases involve women from China who had either fake identification documents or none at all. Chau implied raids of bars and massage parlors have yielded a few cases but stated more cases have resulted from women escaping their captors and then approaching uniformed officers on the street. Chau stressed getting victims to positively identify their traffickers was one of the biggest obstacles the police faced in investigating TIP cases. They have been unsuccessful in getting victims to identify their traffickers from closed-circuit television footage taken at the Zhuhai-Macau land border crossing point. Another complication, Chau claims, is trafficking victims often cannot, or will not, direct police to the building or entertainment establishment where they previously lived and/or worked. Without such information, police often are not able to explore the possibility of other victims or whether a particular case is part of a larger, organized trafficking operation.

13. (C) Chau worries that women who willingly work as sex workers in Macau may abuse provisions for assistance under the new law for their own convenience. It is possible, and even likely, Chau suggests, that some women would turn to the new law and claim they are trafficking victims after falling out with their controller or simply try to obtain the financial and repatriation assistance the Macau government provides trafficking victims. Chau said there have been four instances in which women who claimed to be trafficking victims were later determined by the police to be consensual sex workers. These challenges have underscored the need for law enforcement and immigration officers to strengthen their ability to verify claims made by victims and build cases for prosecution. Chau hopes U.S. law enforcement counterparts can provide appropriate training.

14. (C) The Secretary for Security's Chef de Cabinet Vong Chun Fat, who coordinates Macau's inter-departmental Human Trafficking Deterrent Measures Committee, confirmed the number of TIP-related cases Chau mentioned. He told us committee members recently voiced concerns about the effectiveness of Macau law enforcement's victim identification techniques. Responding to our question about regional engagement, Vong said Macau's front-line officers meet regularly with their Hong Kong counterparts, mostly recently in October. Macau recently worked with Japan through Interpol to break up a trafficking operation that lured two Macau females to Japan where their Taiwan traffickers reportedly forced them into prostitution. Macau police arrested a local man suspected of being the "middleman" in the operation.

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15. (SBU) Macau's Legal and Judicial Training Centre and the Human Trafficking Deterrent Measures Committee co-organized a seminar for Macau law enforcement, prosecutors, judges, and members of the government's Women's Affairs Advisory Committee to hear Felte discuss DOJ's experience and lessons learned in prosecuting TIP cases. Felte highlighted the onerous tasks of identifying victims who rarely come forward themselves, earning their trust after they have lived in a persistent climate of fear, and then corroborating their evidence to bolster victims' testimonies. Felte explained investigative techniques used in the U.S. and demonstrated their application to two successful convictions. The audience in turn raised detailed questions about legal restrictions, challenges in victim identification, and assistance to victims and their families. Two articles on Felte's presentation appeared in Macau's two most widely-read Chinese-language newspapers on November 6.

Hong Kong Forum Examines TIP

16. (SBU) On November 4, Felte outlined the victim-centered approach he has used to successfully prosecute TIP cases for Hong Kong prosecutors and scholars attending a two-day Trafficking in Persons Research and Data Forum co-organized by the Australian Institute of Criminology and University of Hong Kong. Felte also discussed strategies to counter some of the most commonly-used defenses in TIP cases. Sitting on a panel of four prosecutors, Felte fielded questions on the benefits and challenges posed by cases with a large number of victims, strategies for interagency coordination if no dedicated anti-TIP units existed, and role of NGOs in investigations. Several participants raised the issue of how incorrectly identifying trafficking victims often results in victims being treated as immigration violators or consensual sex workers. These violations can result in deportation, and in some cases, imprisonment, without developing cases against traffickers.

DONOVAN